

## **US Army Corps of Engineers®**

# **PUBLIC NOTICE**

## **APPLICATION FOR PERMIT**

**Public Notice/Application No.:** 2001-00794-RJD

**Comment Period:** December 1, 2003 through December 30, 2003

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### **Applicant**

Farhad Moghimi  
Town of Marana  
3696 West Orange Grove Road  
Tucson, Arizona 85741  
(520) 297-2920

### **Agent**

Kimberly Otero  
Westland Resources, Inc.  
2343 East Broadway Boulevard, Suite 202  
Tucson, Arizona 85719  
(520) 206-9585

### **Location**

In the Santa Cruz River, Yuma Mine Wash, and two unnamed washes at Ina Road, Silverbell Road and Cortaro Road (Sections 34, 35 and 36, T12S, R12E and Sections 1 and 2, T13S, R12E), Marana, Pima County, Arizona.

### **Activity**

To construct nine interrelated flood control improvements within the Santa Cruz River, Yuma Mine Wash, and two small unnamed washes. These proposed flood control improvements are elements of four larger improvement projects. The four larger projects are; 1) improvements to Silverbell Road between Ina Road and Cortaro Road, 2) improvements to Ina Road between I-10 and Silverbell Road, including improvements to the existing grade control structure and two new bridges across the Santa Cruz River, 3) development of the 48-acre Cortaro District Park, and 4) west bank stabilization of the Santa Cruz River from Ina Road downstream to Cortaro Road. The nine proposed flood control improvements would cause the loss of 1.94 acres of wetland and 16.27 acres of ephemeral stream habitat. There also would be temporary impacts to 21.09 acres of wetland and 39.44 acres of ephemeral stream habitat. For more information, see page 3 of this notice and the five attached figures.

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Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit application will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 1344).

Comments can be e-mailed to robert.j.dummer@usace.army.mil or mailed to:

**U. S. Army Corps of Engineers  
ATTENTION: Regulatory Branch (2001-00794-RJD)  
3636 North Central Avenue, Suite 900  
Phoenix, Arizona 85012-1939**

## **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

## **Preliminary Review of Selected Factors**

**EIS Determination-** A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

**Water Quality-** The applicant will be required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality. Section 401 of the Clean Water Act requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers.

**Cultural Resources-** Cultural sites have been identified that are potentially eligible for protection under the National Historic Preservation Act. The information concerning these sites is being analyzed to determine which of the cultural sites would be eligible for listing on the National Register of Historic Places. All sites finally determined eligible for listing on the National Register of Historic Places will be treated according to policies and practices used by the Corps of Engineers to achieve compliance with the National Historic Preservation Act. Archaeologists from the applicant, Corps of Engineers, State Historic

Preservation, and interested tribes are reviewing information concerning these cultural sites and working to develop a Memorandum of Agreement that states how the eligible cultural sites will be recovered or protected.

**Endangered Species-** Preliminary determination is that the proposed activities may affect but would not adversely affect the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) and its proposed critical habitat. The proposed project would not affect any other federally proposed/listed species or their proposed/designated critical habitat. The Corps of Engineers has initiated Section 7 consultation and conference procedures with U.S. Fish and Wildlife Service concerning impacts to the cactus ferruginous pygmy-owl and its proposed critical habitat.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

### **Proposed Activity for Which a Permit is Required**

To construct nine interrelated flood control improvements within the Santa Cruz River, Yuma Mine Wash, and two unnamed washes. These improvements include; 1) complete removal of the existing Ina Road Bridge, 2) construction of 32 new 5-foot diameter reinforced concrete columns to support two new 43-foot wide bridges across the Santa Cruz River at Ina Road, 3) upgrading the Ina Road grade control structure to include an additional 50-foot wide concrete apron upstream and an approximately 150-foot riprap lined plunge basin downstream of the existing structure, 4) upgrading 1,200 feet of existing soil cement bank (300 feet upstream and downstream on both banks) to accommodate proposed trails and to deepen the bank toe-downs at Ina Road, 5) construction of two culverts under Silverbell Road with new downstream channels to carry flows through the Cortaro District Park to the Santa Cruz River, 6) construction of three culverts under Silverbell Road with no downstream channel improvements, 7) construction of 6,700 feet of 100-year soil cement bank protection along the entire west bank of the Santa Cruz River from Ina Road downstream to Cortaro Road, 8) construction of temporary diversion berms or channels to control effluent flow in the Santa Cruz River throughout the entire project area, and 9) any other temporary fills that may be required to complete the other permitted structures and fills. For additional project details see the attached five figures.

### **Additional Project Information**

The project purpose is to construct nine interrelated flood control improvements that allow increased traffic capacity and safety along Ina Road and Silverbell Road and allows the development of the Cortaro District Park.

Ina Road would be widened from the frontage road along eastbound I-10 west to Silverbell Road, a distance of approximately 1.2 miles. The widening of Ina Road would require the removal of the existing bridge over the Santa Cruz River and construction of two new bridges. The two new bridges would be 13 feet apart, each bridge would be 43 feet wide, and would be constructed along the current alignment of Ina Road. Each bridge would be supported by 16 new 5-foot diameter columns arranged, 2 columns per pier and 8 piers per bridge as shown in Figure 2. The existing Ina Road grade control structure and soil cement banks at Ina Road would be improved to provide additional scour protection. The existing soil cement banks would be upgraded for 300 feet upstream and 300 feet downstream on both banks, a total length of 1,200 feet. The existing soil cement bank protection would be upgraded to include pedestrian walkways and primarily to increase the toe-down so that it meets safety and design standards. During all construction in the Santa Cruz River the effluent flow from the Ina Road treatment plant would be controlled through the construction zone by minimal use of temporary channels or berms and/or timing of discharges from the treatment plant.

Silverbell Road would be upgraded and realigned from Ina Road to Cortaro Road, a distance of

approximately 0.8 miles. The road would be widened to four lanes and include other design improvements to meet current safety standards. Culverts would be installed in 5 jurisdictional washes that cross Silverbell Road between Ina Road and Cortaro Road. These improvements are designed to prevent roadway flooding and to maintain downstream flows.

As proposed, development of the Cortaro District Park (Park) will require improvements in two jurisdictional washes (Wash A and Wash C in Figure 4) from Silverbell Road downstream to where the washes discharge into the Santa Cruz River. The Wash A will be redirected to the south to capture additional drainage then be discharged through one 12-foot-by-10-foot box culvert into the Santa Cruz River. The portion of the Park north of Wash A will contain the library, community center, ball fields, and other active recreation amenities. Wash C along the southern boundary of the Park will be improved through the park and discharge in to the Santa Cruz via three 12-foot-by-12-foot box culverts. The portion of the Park between Wash A and Wash C will be left as open space and developed only for passive recreation use to allow for connectivity along the Yuma Mine Wash to the Santa Cruz River. A ramp will be constructed in conjunction with the box culvert to allow for equestrian access to the river channel. Figure 5 represents a typical terraced design for Wash A and Wash C.

Soil cement bank stabilization is proposed along the west bank of the Santa Cruz River from Ina Road downstream to Cortaro Road, a distance of approximately 1.4 miles. The proposed alignment for the bank protection is shown in Figure 4. The top of the bank stabilization will be 50 feet wide, and will include a 14-foot-wide pedestrian pathway with plantings. The bank stabilization will be accomplished using standard soil-cement stream bank protection methods.

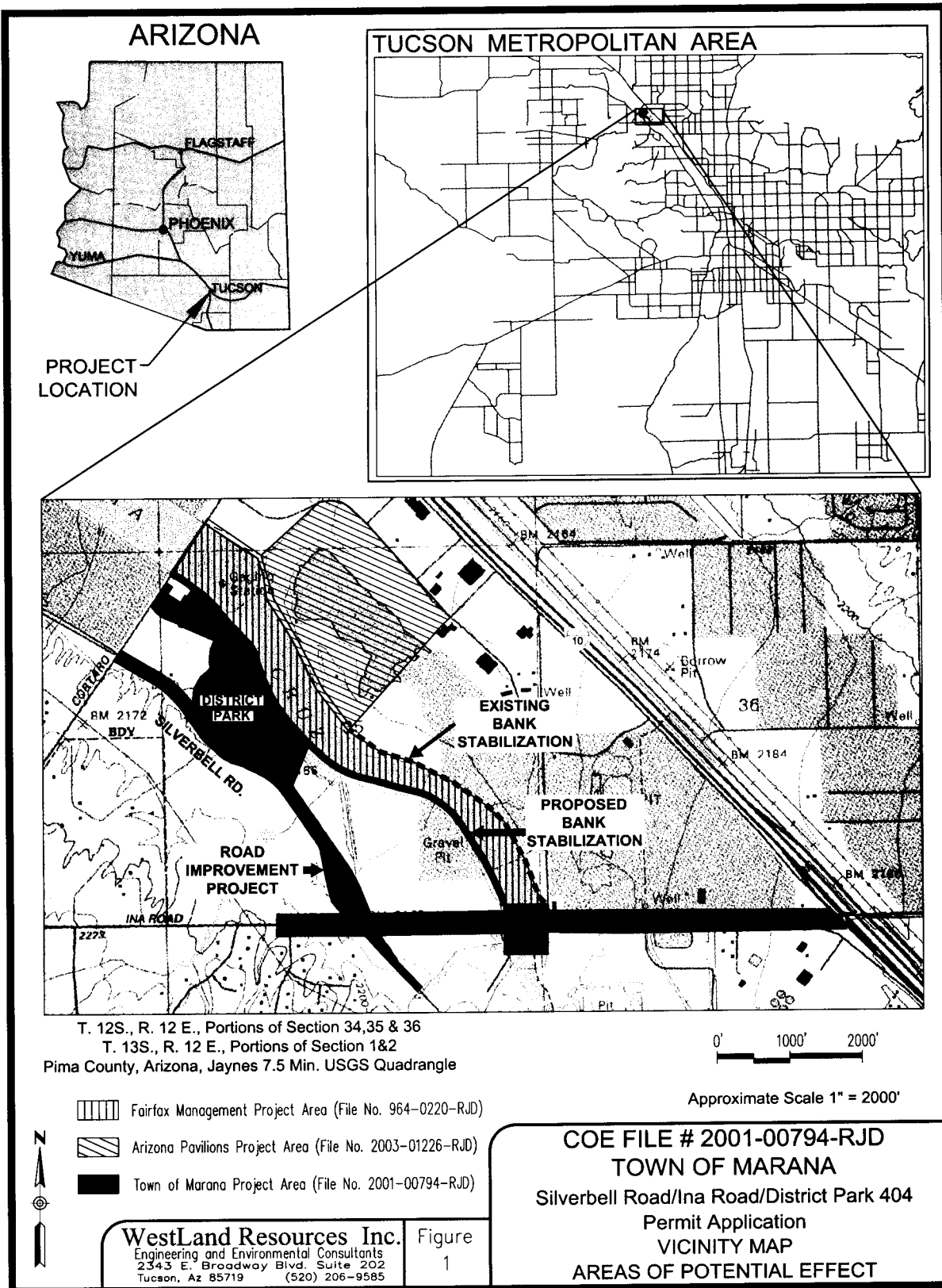
The Corps of Engineers (Corps) has received two other Section 404 permit applications for activities in the Santa Cruz River between Ina Road and Cortaro Road as shown in Figure 1. Fairfax Management Co. (Fairfax) has filed an application with the Corps requesting that the Corps reissue their expired Section 404 permit (File No. 964-0220-RJD). The expired Section 404 permit issued to Fairfax authorized them to construct in the Santa Cruz River between Ina Road and Cortaro Road; 1) 4,200 linear feet of soil cement bank stabilization along the east bank of the Santa Cruz River, 2) a 600-foot wide main channel, 3) a 50-foot wide low flow channel, 4) five erosion control jetties along the west bank, and 5) a 150-foot long earthen berm downstream of the soil cement bank. Fairfax had not completed all of the permitted activities when their permit expired. They have not requested that the Corps reissue the permit with no changes. The Corps expects to issue the public notice requesting comments of reissuance of Fairfax's expired permit in the near future. Arizona Pavilions Development, Inc. filed and then withdrew their application (File No. 2003-01226-RJD) to construct 2,735 linear feet of soil cement bank protection in the Santa Cruz River. The proposed soil cement would have begun at the downstream end of the soil cement bank protection previously constructed under Fairfax's permit and continued downstream to the soil cement protecting the bridge at Cortaro Road. The Corps has withdrawn this application and it will have no effect on our review of this permit application. However, Arizona Pavilions Development can reapply for a Section 404 permit.

## **Proposed Special Conditions**

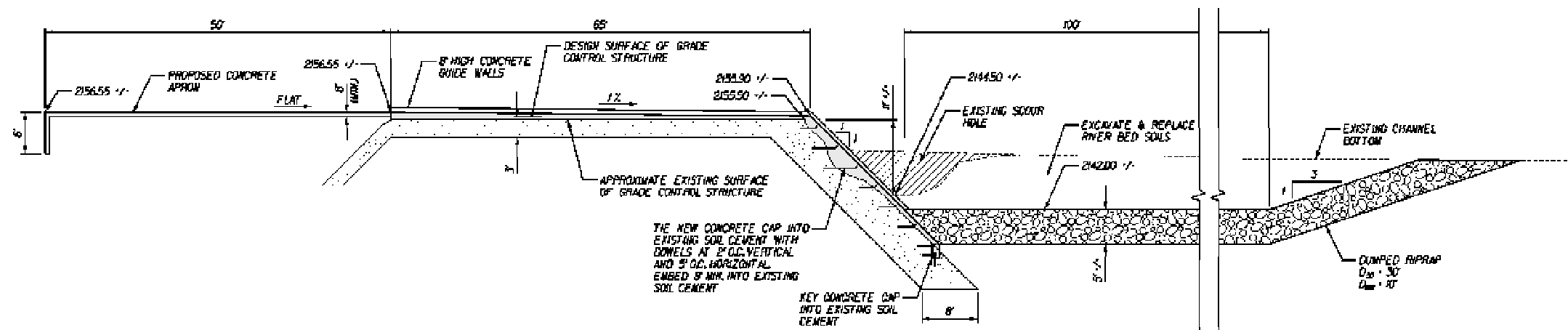
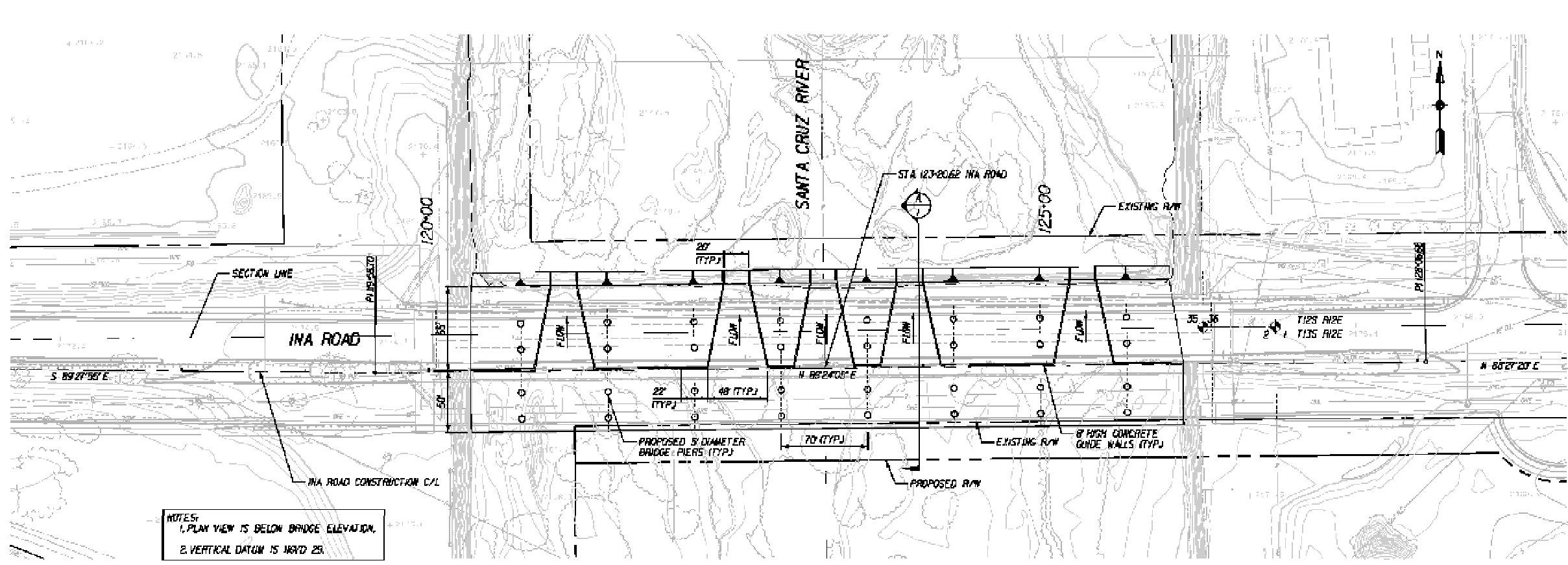
The Town of Marana proposes to reconstruct Washes A and C (Figure 4) according to a typical wash treatment (Figure 5). Other mitigation options are being reviewed, however, none have been formally proposed to the Corps of Engineers.

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For additional information please call Robert J. Dummer at (602) 640-5385 x 224. This public notice is issued by the Chief, Regulatory Branch.



WESTLAND\PROJECTS\311.10.802-PUBLIC-NOTICE\VICINITY-FIG-1.DWG



SECTION A-A  
NOTES

WestLand Resources Inc.  
Engineering and Environmental Consultants  
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Tucson, Az 85719 (520) 206-9585

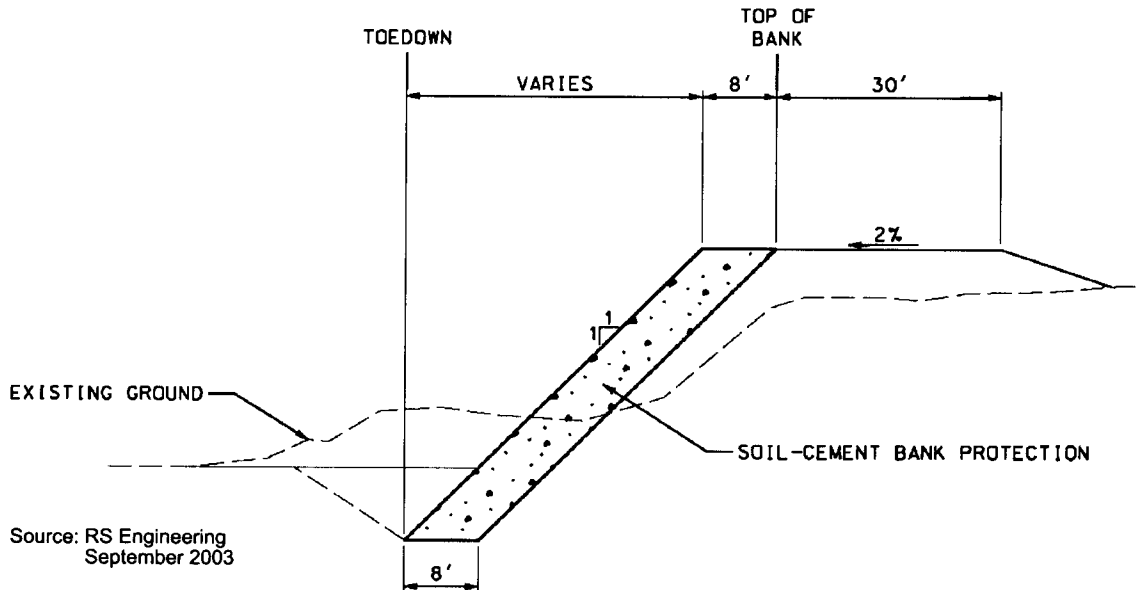
Figure  
2

COE FILE # 2001-00794-RJD  
TOWN OF MARANA  
Silverbell Road/Ina Road/District Park 404  
Permit Application  
GRADE CONTROL STRUCTURE  
REHABILITATION PROJECT

Source: RS Engineering  
September 2003

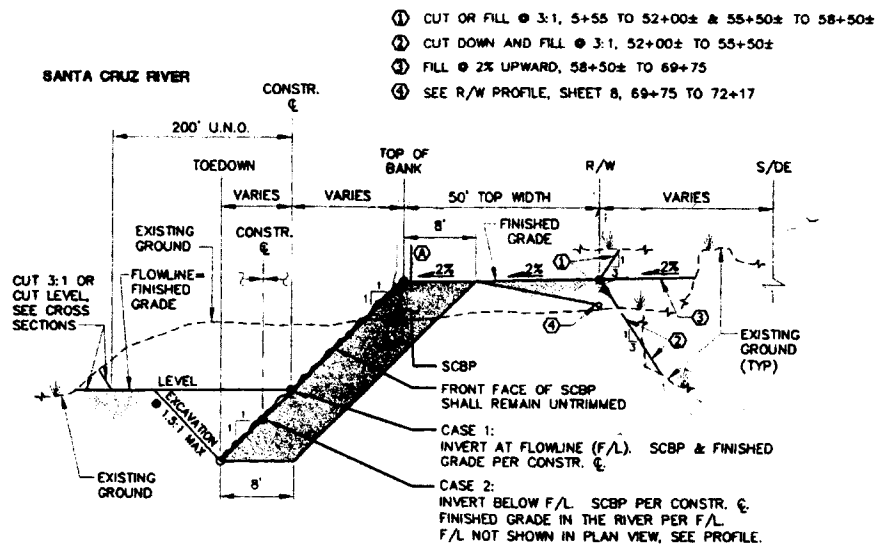
SECTION - TYPICAL SOIL-CEMENT BANK PROTECTION (SCBP)  
Upstream from Ina Road Bridge

NTS



SECTION - TYPICAL SOIL-CEMENT BANK PROTECTION  
Between Cortaro Road and Ina Road

NTS



Source: Tetra Tech  
April, 2003

COE FILE # 2001-00794-RJD  
TOWN OF MARANA

Silverbell Road/Ina Road/District Park 404  
Permit Application

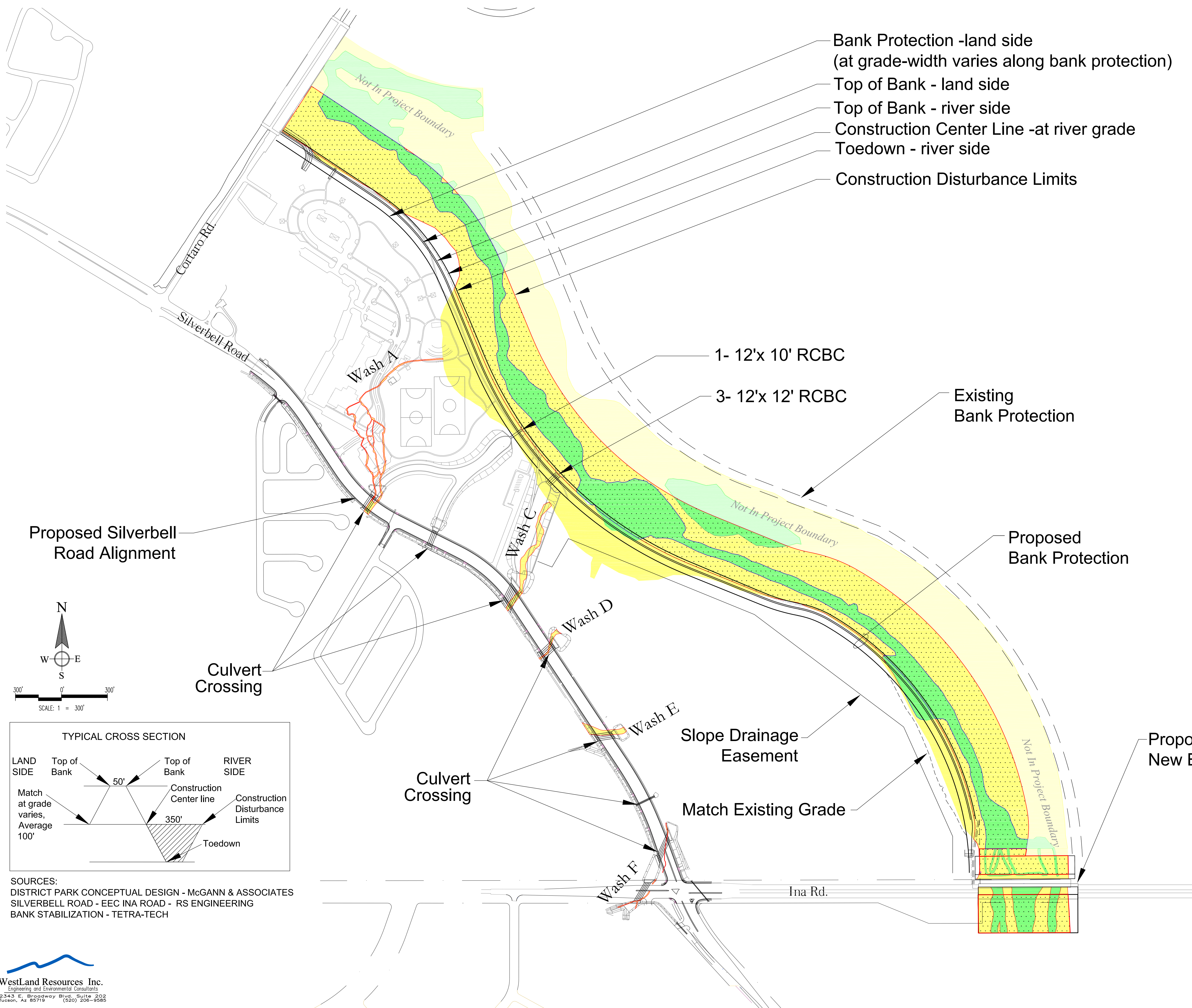
CROSS SECTION OF BANK STABILIZATION

WestLand Resources Inc.  
Engineering and Environmental Consultants  
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Figure  
3



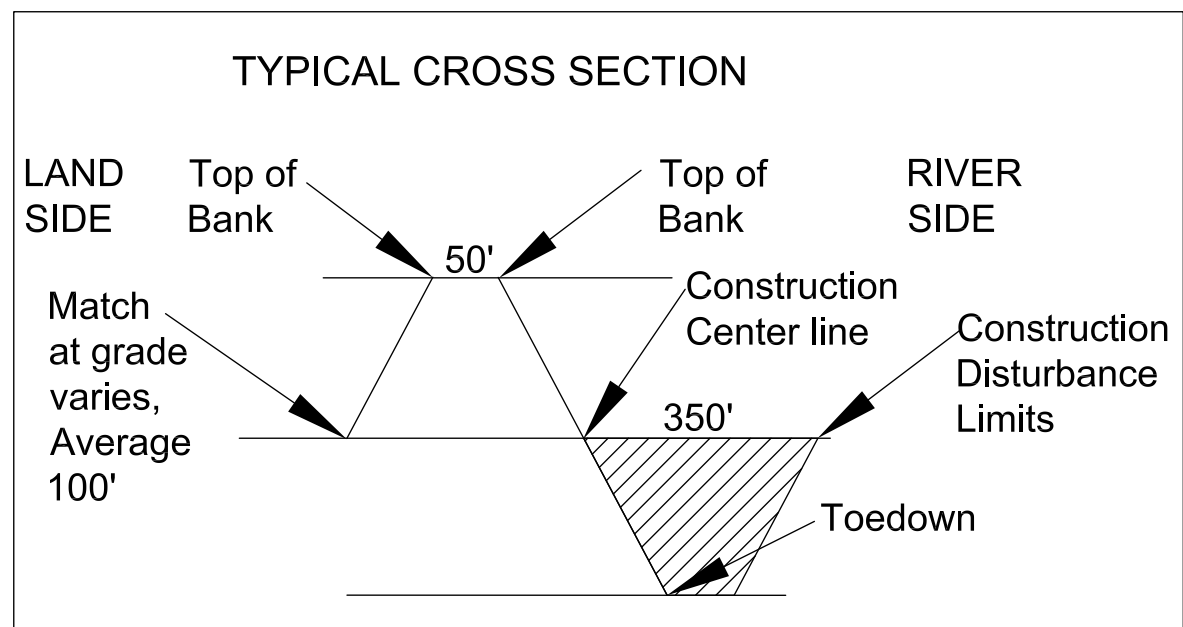
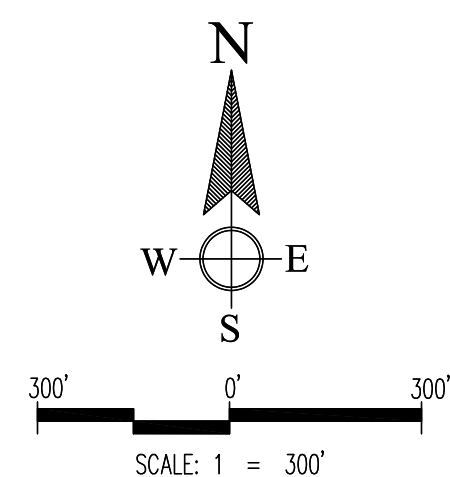
WESTLAND PROJECTS 311.10 V10 TO REVIEWED-10F2A-11-19-03.DWG



DISTURBANCE SUMMARY			
PERMANENT LOSSES			
PROJECTS	OTHER WATERS	WETLANDS	TOTAL WATERS OF THE U.S.
DISTRICT PARK			
WASH A	0.45	0.0	0.45
WASH C	0.47	0.0	0.47
TOTAL	0.92	0.0	0.92
SILVERBELL ROAD			
CULVERT AT WASH A	0.08	0.0	0.08
CULVERT AT WASH C	0.09	0.0	0.09
CULVERT AT WASH D	0.08	0.0	0.08
CULVERT AT WASH E	0.24	0.0	0.24
CULVERT AT WASH F	0.06	0.0	0.06
TOTAL	0.55	0.0	0.55
INA ROAD - GRADE CONTROL STRUCTURE			
UPSTREAM	0.31	0.36	0.67
DOWNSTREAM	1.35	0.58	1.93
TOTAL	1.66	0.94	2.60
INA ROAD BRIDGE PIER LOCATIONS	0.00	0.00	0.00
Note: contained within grade control structure			
BANK STABILIZATION			
REVETMENT	9.81	0.92	10.73
DEWATERING	3.33	0.08	3.41
TOTAL	13.14	1.00	14.14
TOTAL ACRES	16.27	1.94	18.21

DISTURBANCE SUMMARY			
TEMPORARY LOSSES			
PROJECTS	OTHER WATERS	WETLANDS	TOTAL WATERS OF THE U.S.
INA ROAD - GRADE CONTROL STRUCTURE			
DOWNSTREAM	1.25	0.34	1.59
UPGRADE BANK STABILIZATION	1.82	1.57	3.39
BANK STABILIZATION 350' TEMPORARY LOSS	36.37	19.18	55.55
TOTAL ACRES	39.44	21.09	60.53

Proposed Silverbell Road Alignment



SOURCES:  
DISTRICT PARK CONCEPTUAL DESIGN - MCGANN & ASSOCIATES  
SILVERBELL ROAD - EEC INA ROAD - RS ENGINEERING  
BANK STABILIZATION - TETRA-TECH

APPROVED JURISDICTIONAL DELINEATION

OTHER WATERS

WETLANDS

DISTURBANCE

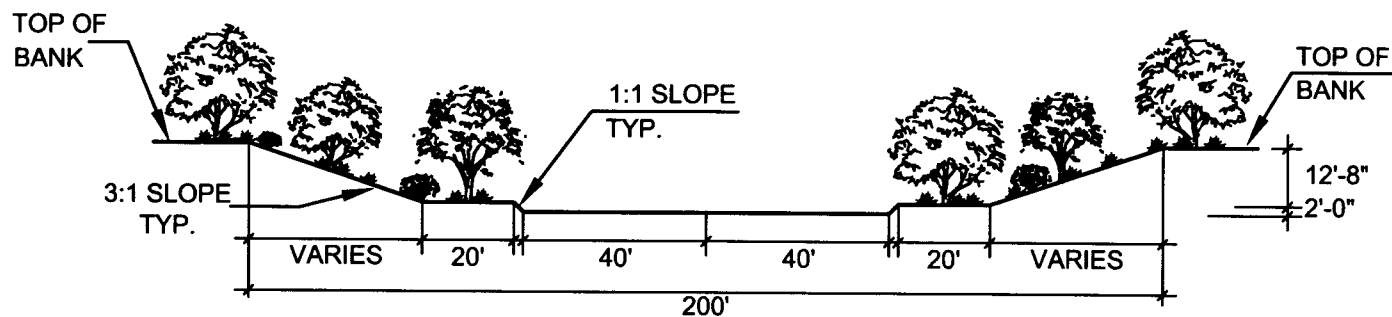
TEMPORARY DISTURBANCE

TOWN OF MARANA  
Silverbell/Ina/District Park  
404 Permit  
Impact Summary

Figure 4



WESTLAND\PROJECTS\311.0\02-PUBLIC-NOTICE\2007-WASH.DWG 11-20-03



SECTION: REALIGNED WASH - 200' WIDTH  
SCALE: 1"=40'-0"

Source: Cortaro District Park Conceptual Design  
McGann & Associates  
December 2002

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Engineering and Environmental Consultants  
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Figure  
5

COE FILE # 2001-00794-RJD  
TOWN OF MARANA  
Silverbell Road/Ina Road/District Park 404  
Permit Application  
CROSS-SECTION OF WASH TREATMENT  
200 - FOOT WIDE